

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SOL SPATES and WESLEY LEWIS,
individually and on behalf of
a class of similarly situated
individuals,

Plaintiffs,

v.

ROADRUNNER TRANSPORTATION
SYSTEMS, INC. and ADRIAN
CARRIERS, LLC,

Defendants.

Case No. 15 C 8723

Judge Harry D. Leinenweber

ORDER

Before the Court are Cross Motions for Summary Judgment [ECF Nos. 52, 56]. For the reasons stated herein, the Court dismisses the case without prejudice for lack of subject matter jurisdiction. Accordingly, the parties' Cross Motions for Summary Judgment are denied as moot.

STATEMENT

The Plaintiffs filed their Complaint in the District Court of the Northern District of Illinois, asserting diversity jurisdiction under the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1332(d). (Compl. ¶ 10, ECF No. 1.) "Courts have an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it." *Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (citation omitted). "Federal courts are courts of limited jurisdiction: 'It is to be presumed that a cause lies outside this limited jurisdiction, and the burden of establishing the contrary rests upon the party

asserting jurisdiction.'" *Hart v. FedEx Ground Package Sys., Inc.*, 457 F.3d 675, 679 (7th Cir. 2006) (quoting *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 377 (1994)).

To meet CAFA's jurisdictional requirements: (1) the members of the proposed class must number 100 or more; (2) at least one plaintiff class member must be diverse in citizenship from any defendant; and (3) the aggregate amount in controversy must exceed \$5 million, exclusive of interest and costs. See, 28 U.S.C. § 1332(d). This case fails the first requirement. In the parties' joint response (ECF No. 71) to the Court's March 6, 2018 Order for supplemental briefing, the parties explained that despite their initial good faith belief that the class exceeded 100 individuals, discovery has revealed that the class, in fact, totals only 67. (*Id.* at 1.) Accordingly, the Court does not have subject matter jurisdiction and so dismisses the case without prejudice. The parties' Cross Motions are denied as moot.



Harry D. Leinenweber, Judge
United States District Court

Dated: 3/19/2018